

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>VS.</b>	)	<b>CRIMINAL NO. A-11-CR-344 LY</b>
	)	
<b>MARIA DEL SOCORRO LOPEZ,</b>	)	
	)	
<b>Defendant.</b>	)	

**UNITED STATES OF AMERICA’S  
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and makes this Motion for Preliminary Order of Forfeiture, pursuant to the provisions of 21 U.S.C. § 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), and in support thereof states the following:

**I.**

On October 25, 2011, Defendant Maria Del Socorro Lopez entered into a written Plea Agreement (Doc. 24) with Factual Basis included therein, wherein said Defendant pled guilty to Count One of the Information (Doc. 25) filed against her, charging her with violation of 18 U.S.C. § 1960.

As part of her guilty plea, Defendant Maria Del Socorro Lopez agreed to immediately and voluntarily forfeit any and all of her right, title, and interest in certain properties, pursuant to the provisions contained in 18 U.S.C. § 982(a)(1), which were included in and part of the Indictment (Doc. 15), namely:

\$71,877.00, more or less, in United States currency; and

\$5,520.00, more or less, in United States currency,  
hereinafter, referred to as the "Subject Properties."

## **II.**

Federal Rule of Criminal Procedure 32.2(b)(2)(B) provides that, "[u]nless doing so is impractical, the court must enter the preliminary order sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant . . ." Fed. R. Crim. P. 32.2(b)(2)(B) (eff. Dec. 1, 2009). Therefore, in order to be in compliance with this Rule, the United States files the instant motion at this time.

## **III.**

The United States moves the Court to find that Defendant Maria Del Socorro Lopez has an interest in the Subject Properties and that the United States has proven by a preponderance of the evidence the nexus between the Subject Properties and the violation of 18 U.S.C. § 1960, by virtue of Defendant's Plea Agreement with Factual Basis (Doc. 24).

Accordingly, the United States moves this Honorable Court for entry of a Preliminary Order of Forfeiture, which forfeits any and all right, title, and interest of Defendant Maria Del Socorro Lopez in the Subject Properties.

## **IV.**

The United States moves the Court, pursuant to 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), for an Order authorizing the United States through its lawfully designated agents and agencies, including the Department of the Treasury, Internal Revenue Service, to seize, take custody, control, and possession of the Subject Properties, whether held by the Defendant or a third party, and to undertake whatever discovery is necessary to identify, locate, and dispose of the properties.

**V.**

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6)(A) and (C) and 21 U.S.C. § 853(n)(1), for an Order authorizing the United States to cause publication for at least 30 consecutive days on an official government internet website ([www.forfeiture.gov](http://www.forfeiture.gov)) of notice of the Preliminary Order of Forfeiture and of its intent to dispose of the Subject Properties in such manner as the United States directs.

The United States further moves this Court for an Order authorizing that the contents of the published notice be in compliance with Fed. R.Crim. P. 32.2(b)(6)(B).

**VI.**

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6), for an Order authorizing the United States to send direct notice of the Preliminary Order of Forfeiture to any person or entity who reasonably appears to the United States to be a potential petitioner with standing to contest the forfeiture in the ancillary proceedings.

The United States further moves this Honorable Court that Appendix A,<sup>1</sup> be served on potential petitioners, along with the Preliminary Order of Forfeiture.

**VII.**

Pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) and in an effort to promote judicial economy, the United States further moves the Court for an Order authorizing the United States to commence discovery proceedings at the time that any petitions are filed in order to resolve any third-party issues, including depositions, interrogatories, requests for production of documents, and the issuance

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<sup>1</sup>Appendix A, which is entitled “Direct Notice of Preliminary Order of Forfeiture,” sets forth the appropriate procedures, deadlines and applicable statutes necessary to file a third-party petition.

of subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure.

**VIII.**

Lastly, the United States moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), to order that at the time of the sentencing of Defendant Maria Del Socorro Lopez , the forfeiture of the Subject Properties be included in Defendant's Judgment in a Criminal Case.

WHEREFORE, PREMISES CONSIDERED, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture.

Respectfully submitted,

JOHN MURPHY  
As Acting United States Attorney

By: /s/  
Jennifer S. Freel  
Assistant United States Attorney  
816 Congress Avenue, Suite 1000  
Austin, Texas 78758  
Tel. (512) 916-5858  
Fax (512) 916-5855  
Texas Bar No. 25041327

**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2011, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participants:

William Alfred White  
Law Office of William A. White  
1307 West Avenue  
Austin, TX 78701  
*Attorney for Defendant Maria Del Socorro Lopez*

/s/ \_\_\_\_\_  
Jennifer S. Freel  
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
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<b>Plaintiff,</b>	)	
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<b>VS.</b>	)	<b>CRIMINAL NO. A-11-CR-344 LY</b>
	)	
<b>MARIA DEL SOCORRO LOPEZ,</b>	)	
	)	
<b>Defendant.</b>	)	

**DIRECT NOTICE OF PRELIMINARY ORDER OF FORFEITURE**

Notice is hereby given that in the case of *U.S. v. Maria Del Socorro Lopez* , Criminal No. A-11-CR-344 LY, the United States District Court for the Western District of Texas entered a Preliminary Order of Forfeiture condemning and forfeiting the following properties to the United States of America:

\$71,877.00, more or less, in United States currency; and

\$5,520.00, more or less, in United States currency.

The United States hereby gives notice of its intent to dispose of the forfeited properties in such manner as the United States Attorney General may direct. Any person, other than Defendant Maria Del Socorro Lopez, asserting a legal interest in the properties, which have been ordered forfeited to the United States, must file a petition within 30 days of the final publication of notice or his receipt of notice, whichever is earlier pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1)-(3). The petition must be filed with the Clerk of the Court, 200 West 8th Street, Austin, Texas 78701, and a copy served upon Assistant United States Attorney Jennifer S. Freel, 816 Congress Avenue, Suite 1000, Austin, Texas 78701.

The petition must comply with the requirements 21 U.S.C. § 853(n).

If you fail to file a petition to assert your interest in the above-described properties within the time prescribed above, your interest in these properties will be lost and forfeited to the United States, which will then have clear title to the properties and will dispose of the properties in accordance with the law.

**APPENDIX A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
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<b>VS.</b>	)	<b>CRIMINAL NO. A-11-CR-344 LY</b>
	)	
<b>MARIA DEL SOCORRO LOPEZ,</b>	)	
	)	
<b>Defendant.</b>	)	

**PRELIMINARY ORDER OF FORFEITURE**

Came on to be considered the United States of America's Motion for Preliminary Order of Forfeiture, pursuant to the provisions of 21 U.S.C. § 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2) and 32.2(b)(2)(B), and this Court being fully and wholly apprised in all its premises, finds that the United States has established by a preponderance of evidence a nexus between the below-described properties and the violation of 18 U.S.C. § 1960, to which Defendant Maria Del Socorro Lopez pled guilty, and that said Defendant has an interest in the below-described properties. Said Motion is meritorious and should be, and hereby is, in all things GRANTED; IT IS THEREFORE

ORDERED that any and all right, title, and interest of Defendant Maria Del Socorro Lopez, in certain properties, namely:

\$71,877.00, more or less, in United States currency; and

\$5,520.00, more or less, in United States currency,

hereinafter referred to as the "Subject Properties," be, and hereby are FORFEITED to the United States of America; and IT IS FURTHER

ORDERED that upon entry of the Preliminary Order of Forfeiture, the United States through its lawfully designated agents and agencies, including the Department of the Treasury, Internal

Revenue Service, shall seize, take custody, control and possession of the Subject Properties whether held by Defendant Maria Del Socorro Lopez or a third party, and shall be permitted to undertake whatever discovery is necessary to identify, locate, and dispose of the properties; and IT IS FURTHER

ORDERED that the United States shall cause publication for at least 30 consecutive days on an official government internet website ([www.forfeiture.gov](http://www.forfeiture.gov)) of notice of the Preliminary Order of Forfeiture and of its intent to dispose of the Subject Properties in such manner as the United States directs. The United States must send notice to any person or entity who reasonably appears to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding; and IT IS FURTHER

ORDERED that the United States shall send Direct Notice of the Preliminary Order of Forfeiture, Appendix A, which is attached to the United States of America's Motion for Preliminary Order of Forfeiture and incorporated herein, along with the Preliminary Order of Forfeiture, to those known to the United States to have an interest in the Subject Properties; and IT IS FURTHER

ORDERED that in the event a third-party petition is filed as to the Subject Properties, the United States shall commence discovery proceedings to resolve any third-party issues, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure; and IT IS FURTHER

ORDERED, that at the time of the sentencing of Defendant Maria Del Socorro Lopez, the forfeiture of the Subject Properties shall be included in Defendant's Judgment in a Criminal Case.



IT IS SO ORDERED.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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LEE YAKEL  
UNITED STATES DISTRICT JUDGE